



Patent
Attorney's Docket No. 018656-085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Toshiharu MORI et al.) Group Art Unit: 2871
Application No.: 09/392,264) Examiner: Kenneth Parker
Filed: September 9, 1999) Confirmation No. 9910
For: OPTICAL FILTER DEVICE AND)
METHOD OF MAKING SAME (As)
Amended))

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REPLY TO SECOND RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the second Restriction Requirement dated October 22, 2002, Applicants respectfully traverse.

In the Restriction Requirement, the Examiner identifies claims 18-21 as being drawn to a method of making a liquid crystal device. Actually, claims 18-21 are drawn to a method of making an optical filter element. The Examiner also identifies as Group II, claims 1-18 and 22-24 as being drawn to a liquid crystal device in a groove. Claim 18 was listed in Group I. Further, claims 1-17 are actually directed to an optical filter device which includes an optical waveguide layer and a filter element including a liquid crystal layer which divides the optical waveguide layer. It should be apparent that claim 18 should not be included in Group II. Furthermore, while claims 23 and 24 depend from claim 1, either directly or indirectly, it is noted that claim 22 is a method of forming an optical filter element and, by the logic of the Restriction Requirement, should belong in Group I.

Hence, a proper demarcation of the claims is Group I includes claims 18-22 and Group II includes claims 1-17, 23 and 24.

Additionally, it is noted that there was an initial Restriction Requirement in the present application on January 2, 2002, which was then withdrawn and a complete Office Action dealing with the merits on all of the pending claims 1-22, issued on April 12, 2002. A responsive Amendment was filed on July 12, 2002. Since all of the claims have been treated on the merits, Applicants respectfully submit that no undue burden would be placed on the Examiner for the continued examination of all of the claims. See MPEP § 803.

For completeness of response, Applicants elect Group II, claims 1-17, 23 and 24 for examination at this time, with traverse. A favorable action on the merits is respectfully requested.

Respectfully submitted,

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